IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2524 OF 2005

IN

APPEAL NO. 721 of 2005

IN

NOTICE OF MOTION NO.1515 OF 2003

IN

SUMMARY SUIT NO.2323 OF 2000

Smt.Mamta Pankaj Dharia & ors. .. Appellants

versus

Shri Jagat P. Shah .. Respondent

...

Mr.R.T. Parekh for the applicant.

Mr.R.D. Dave i/b M/s.N.N. Vaishnawa & Co. for the respondent.

CORAM : R.M. LODHA AND

D.G. KARNIK, JJ

DATED : 20th December 2005.

P.C.:

Heard.

2. We are informed that the appellants are owners of flat no.604 situate at Shirin Apartment, Opposite Ganga Jamuna Cinema, Tardeo, Mumbai and in respect of the said flat, the Court Receiver has already been appointed by virtue of the order passed in Notice of Motion no.1515 of 2003. In view thereof, we are satisfied that no further security of the balance amount to the satisfaction of Prothonotary and Senior Master of this Court is necessary. We modify the order dated 12th September 2005 accordingly. We further clarify that though the Court Receiver shall continue in respect of the aforesaid flat, yet the appellants shall not be physically dispossessed therefrom and that they shall be permitted to act as an agent of the Court Receiver without security and royalty.

3. Notice of Motion stands disposed of accordingly.

(R.M. LODHA, J)

(D.G. KARNIK, J)